IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6933 of 1999

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE MD SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UNION OF INDIA & 3 - Petitioner(s)
Versus
SP VOHRA - Respondent(s)

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Appearance :
MR MUKESH A PATEL for Petitioner(s) : 1 - 4.
MR MS TRIVEDI for Respondent(s) : 1,

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CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE MD SHAH

Date : 06/10/2006

ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

Heard learned Counsel for the parties, Shri Patel for the petitioner and Shri Trivedi for the respondent – original Applicant.

The respondent – original applicant retired from Railway on attaining the age of superannuation. He approached the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad (for short “the Tribunal), by way of OA NO.503 of 1999 with a limited grievance that his service from 10.2.1951 to 20.1.1954 was not considered for the purpose of revision/fixation of his seniority and the consequential benefits. The learned Tribunal by its impugned Judgment and order dated 27.11.1997 allowed the Application and held that the applicant is entitled to the relief prayed for by him and accordingly directed the respondents – present petitioners to consider the past service of the applicant from 10.2.1951 onwards not only for the purpose of pension but also for the purpose of re-fixation/revision of seniority in the seniority unit to which he belongs. This is challenged in this petition by the petitioners.

Learned Counsel Shri Mukesh Patel for the petitioners submitted that learned Tribunal has committed grave error in allowing the application of the respondent – applicant. He submitted that by granting relief in favour of the applicant the learned Tribunal did not consider the fact that it may affect his senior. There is no substance in this submission. From the impugned Judgment and order passed by the learned Tribunal it is clear that only notional benefits were given. The relief, which is

granted in favour of the applicant, was to consider his past service from 10.2.1951 onwards not only for the purpose of pension, but also for the purpose of re-fixation/revision of seniority. It is unfortunate that though the petition was to be heard in 1999, the same could not be heard for some or the other reasons. Be that as it may.

Considering the facts and circumstances of the case and on going through the reasons given by the learned Tribunal we are not inclined to interfere with the same under Article 227 of the Constitution, the scope of which is very narrow and limited.

In view of the above discussion, this petition fails and is hereby dismissed with costs.

(B.J.SHETHNA,J.)

(M. D. SHAH, J.)

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